THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition Nos. 18103, 18104, 18105, 18106, 18126, 18129, 18130, 18237, 18256, 18258 and 18273 of 2007

Date: 14.12.2007

W.P. No. 18103 of 2007

Between:

J. Sreenivasamurthy.

..... PETITIONER

AND

The State of Andhra Pradesh, rep. by its Principal Secretary to Government, General Administration (Accommodation) Department, Secretariat Building, Hyderabad and another.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition Nos. 18103, 18104, 18105, 18106, 18126, 18129, 18130, 18237, 18256, 18258 and 18273 of 2007

Common Order:

Since the facts involved in all the writ petitions are identical, they are being disposed of by this common order.

By these writ petitions, the petitioners are questioning the impugned demand notices dated 20.06.2007 and 22.06.2007, issued by respondent No.2, under sub-section (3) of Section 7 of the Andhra Pradesh Public Premises (Eviction of Un-authorized Occupants) Act, 1968, demanding them to pay penal rent for over-staying in/unauthorized occupation of the Government quarters in terms of the orders of the Supreme Court in Civil Appeal No. 4064 of 2004.

The petitioners, who are retired employees of the State Government, are in occupation of the Government quarters, situated at Madannapet A.P. Housing Board Colony, Hyderabad, since long time. Their case is that the A.P. Housing Board constructed 144 flats at Madannapet Colony in the year 1965 for the purpose of selling them to the public on hire purchase basis, and accordingly, out of 144 flats 71 flats were sold on hire purchase basis to the public in the year 1969, and contrary to the said scheme, the Government has taken over the remaining 73 vacant flats and allotted them to the Government employees on rental basis from 1969 to 1976. Their further case is that each block consists of four flats, and since the Housing Board allottees i.e., hire purchase owners and the Government employees, who were

allotted housing facility on rental basis, are residing in the same block since 1969 onwards, the same is leading to maintenance problem. The petitioners state that since most of the quarters are in dilapidated condition, and as no Government employee is coming forward to occupy the vacant quarters, they made several representations to the Government to sell the quarters to them, which are in their occupation since several years. The petitioners also approached the Civil Court by filing suits, seeking a declaration that they are entitled to own the flats, which are in their respective occupation, on hire purchase basis, and the said suits were dismissed. Against the said dismissal orders, the petitioners filed appeals before this Court, wherein this Court granted interim orders, and by virtue of said interim orders, the petitioners are continuing in the Government quarters till today. The grievance of the petitioners is that while the matter stood thus, respondent No.2, without affording any opportunity and without issuing any notice, has issued the impugned demand notices to the petitioners, demanding them to pay penal rent on the ground that they are in unauthorized occupation of Government quarters. Hence, they filed the present writ petition.

On the last occasion, when the matter is taken up for admission, learned counsel for the petitioners submitted that the petitioners have made several representations to the Government for alienation of the respective quarters, in which they are residing since long time, and the Government has also appointed a Committee to consider their request, and in view of that the impugned demand notices have to be stayed.

When the matter is taken up today, learned counsel for the petitioners has produced a copy of letter, dated 07.12.2007, which shows that the District Collector, Hyderabad District, has directed the Tahsildar, Saidabad Mandal, to obtain the market value of the Government Quarters/Flats, situated at Madannapet Colony, from the Sub-Registrar concerned and send a report along with remarks for

taking necessary action in the matter.

On the other hand, the learned Government Pleader has produced a letter, dated 10.12.2007, addressed by the Government to him, requesting him to take a long adjournment of the matter. However, he submitted that the issue with respect to alienation of the said quarters to the petitioners is under active consideration, and a decision in that regard will be taken shortly, and till such time, the will not take any coercive steps in pursuance of the impugned demand notices.

Heard the learned counsel for the petitioners and the learned Government Pleader for General Administration.

Even though the petitioners assailed the demand notices, demanding them to pay penal rent for their overstaying/unauthorized occupation of government quarters, but since they are said to have made representations to the respondents for alienation of the respective quarters, in which they are presently residing, which are said to be under active consideration by the Government, both the counsel for the petitioners and the learned Government Pleader for General Administration, agreed for disposal of the writ petitions with the following directions:

The respondents are directed to consider and dispose of the representations made by the petitioners expeditiously. Till final orders are passed on the representations of the petitioners, the respondents are directed not to take any coercive steps against the petitioners in pursuance of the impugned demand notices, for collection of penal rent. In the event, the petitioners suffer any adverse order, they are at liberty to assail the same in appropriate proceedings.

Accordingly, the writ petitions are disposed of. No costs.

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N.V. RAMANA, J.

Date: 14.12.2007
Nsr